

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CREDITOR MAY NOT CHARGE ANY FEES
5 OR RECOVER COSTS WHEN THE CREDITOR HAS WRONGFULLY LEVIED AGAINST OR TAKEN
6 POSSESSION OF A JUDGMENT DEBTOR'S EXEMPT PROPERTY; AND PROVIDING THAT A CREDITOR
7 WHO WRONGFULLY LEVIES AGAINST OR TAKES POSSESSION OF A JUDGMENT DEBTOR'S EXEMPT
8 PROPERTY ALSO IS IN VIOLATION OF THE MONTANA UNFAIR TRADE PRACTICES AND CONSUMER
9 PROTECTION ACT OF 1973."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **NEW SECTION. Section 1. Wrongful levy against exempt property.** (1) (a) Except as authorized in
14 this part or by federal or state law, a creditor may not by execution, garnishment, attachment, or other process
15 levy against or take possession of a judgment debtor's exempt property.

16 (b) A creditor shall return or restore any exempt property to the judgment debtor immediately upon
17 learning that the property is exempt. The creditor may not charge any fees or recover any costs with respect to
18 levying against or taking possession of the exempt property.

19 (2) A violation of subsection (1) also constitutes a violation of 30-14-103 of the Montana Unfair Trade
20 Practices and Consumer Protection Act of 1973.

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22 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
23 integral part of Title 25, chapter 13, part 6, and the provisions of Title 25, chapter 13, part 6, apply to [section 1].

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